

RULES AGAINST THE ST. REGIS

DELANY SAYS THAT NEW ANNEX PLANS MUST BE DRAWN.

Lawful Likely to Result—Corporation Counsel Tells Building Department There Has Been Too Much Laxity in Passing Plans for Expensive Hotels.

Corporation Counsel Delany has advised Superintendent of Buildings Isaac A. Hopper to enforce strictly the law affecting the proposed extension to the Hotel St. Regis, in East Fifty-fifth street, near Fifth avenue, and unless the hotel proprietors get relief through the courts material changes will have to be made in the plans filed with the Department of Buildings.

The opinion of John P. O'Brien of the Law Department of the Building Bureau is a very lengthy document. If printed, it would fill at least a page of THE SUN. This opinion was approved by Corporation Counsel Delany and has been sent to Supt. Hopper.

The opinion finds that the plans as filed violate Section 10 of the Building Code, which relates to hotels. This section is as follows: "Hotel, definition of—A hotel shall be taken to mean and include every building, or part thereof, intended, designed or used for supplying food and shelter to residents, transient or otherwise, and having a general public dining room or a cafe, or both, and containing also more than fifteen sleeping rooms above the first story. Whenever any such building hereafter erected shall be located on a lot other than a corner lot or plot it shall not cover in the aggregate more than 90 per cent. of the area of such lot or plot, and the second story floor level, if not more than five stories in height, and two and one-half per cent. less for every story in height, and on a corner lot, when covering an area of not more than 3,000 square feet, it shall not occupy more than 95 per cent. of the area of such lot and above the second story level. In case any such building is to occupy a number of lots the Commissioner of Buildings having jurisdiction may allow the free air space, proportioned as herein added, to be distributed in such manner as, in his opinion, will equally as well secure light and ventilation.

The annex is to be eighteen stories in height on the 50 foot plot and five stories on the 20 foot plot. The plans show that 10 per cent. of the area of the former is left for air and ventilating spaces, whereas, according to the law, there should be 42 1/2 per cent.

Corporation Counsel Delany, having advised Supt. Hopper that the plans are in violation of the Building Code, adds that the original approval is not binding, since it was for a dwelling house and not for a hotel. Mr. Delany rejected the contention of the Astor lawyers that the building is to be a dwelling, and says that an attempt was made to evade the law by that statement.

Corporation Counsel Delany has also talked with Supt. Hopper and has told him that there have been many violations of the law in the erection of new hotels and that the Building Department has been very lax in enforcing the law where costly structures are concerned and very strict with small and cheaper buildings.

As the case now stands, the Astors will have to make new plans for their hotel annex if they want to go ahead with the work without a lawsuit. New plans will have to be drawn and filed with the Building Department and approved by that department.

It is understood that contracts have already been let for the work of erecting the new building and that to stop the work now will entail a serious loss. Rather than submit to this loss the case will go to the courts, and the Corporation Counsel will have to look after the interests of the city.

MRS. LEARY'S MORTGAGE.

Lady Mary Paget Says It Was Part of Her Mother's Estate.

Vice-Chancellor Stevens sat in Newark yesterday to hear the reading of the testimony taken during the summer by Special Master Walter J. Knight in the suit brought by the Union Trust Company of this city and Mary C. Leary, widow of James D. Leary, proprietor of the Hoffman House, against Joseph Comings and others, to foreclose a mortgage for \$7,500 once held by the late Mrs. Paron Stevens. Edward Q. Keasey appeared for the Union Trust Company and Henry L. Dawson represented Mrs. Leary, with Anderson Price and Benjamin De Groote for the defense. The case went over until to-day.

Included in the testimony read was that of Lady Mary Paget, daughter of Mrs. Stevens and wife of Sir Arthur Paget, equerry to King Edward VII. She testified that, after the death of her mother, four years ago, she was approached by Mr. Leary, who said that he had a most intimate knowledge of Mrs. Stevens's business affairs and would act as her adviser.

The witness said that when her mother's compartment in the safe deposit vaults of the Knickerbocker Trust Company was opened two mortgages were found, one for \$7,500, made to Joseph Comings, on property in Passaic, and another for \$40,000 on city property to J. C. Clark, together with a package of bonds of the Goodie Cordage Company. She testified that she was urged by her adviser to substitute her own name for that of her mother and dispose of them without the knowledge of the Union Trust Company, which had been made trustee of the estate under Mrs. Paron Stevens's will.

"Did you agree to this proposition?" was asked by counsel. "No, I did not; but I did not object at the time as I wanted to see how far he would go. I am unsophisticated in matters of business, but I knew enough to understand that this suggestion was decidedly improper. I was suspicious and thought he intended to wrong me in some way."

She said further that, while she declined to change the signatures, she permitted Mr. Leary to take the papers away. She said that when he died a year or so later and she was in England, the Comings mortgage was found among Mr. Leary's securities with Mrs. Stevens's name, and that Mrs. Leary now has the document and seeks to foreclose it.

Daniel Leary, son of James D. Leary, was called to the stand and testified to having an intimate knowledge of his father's business as his partner. He corroborated statements made by his mother before Special Master Knight, and it was put in evidence that on July 1, 1899, Joseph Comings executed a mortgage of \$12,829.50 to James D. Leary and that Mrs. Leary in rendering an accounting as administratrix of her husband's estate failed to mention this transaction.

HELD ON DEAD WIFE'S CHARGE.

Mrs. Clark Died Before Husband's Arrest for Bigamy.

James A. Clark was held for the Grand Jury by Police Justice Frank J. Higgins in the First Criminal Court, Jersey City, yesterday, on a charge of bigamy, originally preferred by his first wife, Mary A. Clark, who died while the police were looking for him. Mrs. Clark obtained a warrant of arrest on Jan. 23, 1903, but Clark learned that the police were after him and skipped out.

Mrs. Clark charged in her formal complaint that he married her on May 8, 1900, and wedded Bertha Bublitz on Dec. 19, 1902. Detective Daniel Lee arrested Clark a day or two ago and then learned that the first wife had died. The first Mrs. Clark's sister testified yesterday that she attended the wedding in 1900, and identified the prisoner as her brother-in-law. Clark was held in \$1,000 bail.

New Town House for Prof. Frederic Lee.

Plans have been filed for a new four story and basement town house to be erected for Prof. Frederic S. Lee at 125 and 127 East Sixty-fifth street. It is to be of Colonial design, with a balcony at the second story and is to cost \$60,000.

FALL STYLES

THEY are now ready—75 new models. In Style, Fit, Finish, Material, they are *sans reproche*—admittedly the finest example of American shoe-making. Your early inspection is solicited. Always \$3.50.

Also complete line of Oxfords for Women in Russia and other leathers.

REGAL
THE SHOE THAT PROVES

80 REGAL STORES—
GREATER NEW YORK REGAL STORES.

MEN'S STORES

NEW YORK CITY
43 Cortlandt St., opp. Nassau and Ann Sts.
305 Broadway, opp. Duane St.
724 Broadway, opp. 10th St.
1211 Broadway, bet. 26th and 28th Sts.
1241 Broadway, opp. Herald Building.
500 Eighth Ave., bet. 34th and 36th Sts.
226 Third Ave., S. W. cor. 12th St.
338 Sixth Ave., S. E. cor. 21st St.
116 W. 125th St., cor. 7th Ave.
167 Broadway, bet. Cortlandt and Liberty Sts.

BROOKLYN
1257 Fulton St., opp. Montague St.
1111 Broadway, near Bedford Ave.
1008 Broadway, bet. Ditmars St. and Willoughby Ave.
406 Fifth Ave., bet. 10th and 11th Sts.
84 Broad St., opp. Central R. R. of N. J.
406 Newark Ave.

NEWARK, N. J.
1008 Broadway, bet. Ditmars St. and Willoughby Ave.

WOMEN'S STORES
NEW YORK CITY
169 W. 125th St., cor. 7th Ave.
Cor. Nassau and Ann Sts.
226 Third Ave., S. W. cor. 12th St.
1003 Broadway, bet. Ditmars and Willoughby Ave.

BROOKLYN—406 Fifth Ave., bet. 10th and 11th Sts.
338 Sixth Ave., S. E. cor. 21st St.

*STORES MARKED WITH A STAR ARE OPEN EVENING.

Cultivate a taste for Good Scotch Whisky,
and good fellowship is bound
to follow in your wake.
Connoisseurs unanimously proclaim

RODERICK WHISKY
Scotland's Famous Whisky

The ablest sponsor to accomplish this end.

A Scotch Whisky of unmistakable purity, undeniably high quality and exceptional palatability.

Sold wherever good liquors are obtainable.

THE WEIDEMAN CO., Sole Agents, 41 Beaver St., N. Y.

OUR Paddocks and 1/4 length box Overcoats promise to be very popular this Fall, because they are long enough to cover the greater length of this Season's Single and Double breasted Sacks; as well as English Walking Suits.

Nothing, apparently, can stop the sale of our Covert Top Coats for business and outings generally.

Have you seen Snakekin, the very newest material in Suits?

SMITH, GRAY & CO.

"Fall Notes."

"DON'T WORRY AND DON'T HURRY."

Send a two-cent stamp to George H. Daniels, General Passenger Agent, New York Central & Hudson River Railroad, New York, and he will forward you a little leaflet about the Adirondack Mountains, bearing the above title, which will be sure to interest you.

James McCreery & Co.

Ladies' Gloves.

1 Clasp, pique-sewn, and 1 and 2 clasp round-seam Glace Kid Gloves.

Colors:—Tans, mode, brown, grey, buff, red, pearl, white and black.

These include new Fall Importations.

\$1.00 per pair.

Twenty-Third Street.

GLOVES

The Finishing Touch
To a Well Dressed Man.

Modish Autumn Gloves for dress walking and driving, \$1 to \$2.50 per pair, all this season's import and make.

Autumn Scarves.

All new color combinations in English Squares and French Fold Four-in-Hands, 50c. to \$1.50.

Full Dress Ties in silk, lawn and dimity, all lengths, \$1.38 half doz.

Collars, quarter sizes.

Hackett, Carhart & Co.

Three BROADWAY
Stores.
Cor. 13th St.
Cor. Canal St.
Near Chambers.

ARCHBISHOP KEANE IN TOWN.

Guest of the Paulists—Goes West to Consecrate a New Bishop.

Archbishop Keane of Dubuque, formerly the rector of the Catholic University at Washington, is the guest of the Paulist fathers in West Fifty-ninth street. He has just returned from Europe, where he spent the summer for the most part at Marienbad.

The goods were valued at \$7,200. Cash, meeting his old pal, beguiled him into a saloon, where he left him and drove the truck containing the goods to 190-201 Centre street, where the cases were broken open and the goods placed in a loft.

A detective from the Elizabeth street station happened to notice the marks on the cases as they were being unpacked, and reported to Inspector McCluskey, who promptly caused the arrest of the two drivers. They were held at the Jefferson Market court, and the goods were returned to the Cooper Square factory of Browning, King & Co.

The Wanamaker Store

Store Closes at 5:30 P. M.

Men's FALL TOP COATS

Yesterday morning most men came out in what overcoats they could find on the hook at home, and a good many of them came to buy better looking ones than they had at hand.

We have a splendid collection of the smartest Top Coats that the season has produced. They will interest men who are particular about their appearance, as well as their comfort.

The smartest Top Coat is made of covert cloth in the new shades of brown; thirty-four inches long; with broad shoulders and loose back. In fact this particular style is not usually shown in the ready-to-wear coats. Prices, serge-lined, \$15; silk-lined, \$20.

Oxford Overcoats of soft-finished velours. The "Wanamaker Special;" silk-lined and faced to edge, or silk-lined and cloth faced, at \$15. A remarkable coat for the price.

Others silk-lined, at \$20, \$22, \$25 and \$30.

Raincoats are worn by a great many men in place of overcoats. You will find the WANAMAKER stock full of good, smartly tailored styles. A Special Raincoat of dark Oxford mixed worsted; broad shoulders, stylish hanging backs, and tailored by the same men who make our finest overcoats; at \$15.

Other Raincoats at \$15 to \$35. Second floor, Fourth avenue.



It Fits Any MAN'S HEAD

Is Light, Easy and Comfortable Always
The Stetson Self-conforming Derby—\$3.50 and \$5

The picture shows how this Self-conforming Hat may be bent, proving its remarkable elasticity. The band of the Self-conforming Derby is as easy on the head as that of a soft hat, and it has all the smart character of the best derby in the land. The man who sticks to a soft hat simply because he dislikes the hard lines of a derby against his head, will be glad to know that such a derby exists.

Made in black and browns, in the new Fall shapes, at \$3.50 and \$5.

Other Derby Hats, in black and brown, at \$2 and \$3.

Stetson Soft Hats, in complete assortment, \$3.50 to \$15.

Other soft Hats at \$2 and \$3.

Men's Hat Store.
Second floor, Ninth street.

Fine CLOTHES for Boys

We take unusual pride in having clothes that will be appreciated by particular parents of boys; in fact, if you are indifferent as to whether your boy wears part cotton suits or not, you will probably not appreciate Wanamaker Clothing.

We are told by the manufacturers that we are the only store that stipulates that every suit or pair of trousers sold, shall be absolutely pure wool.

Then we are especially particular about the style and character of our Boys' Clothing.

We add our own ideas to the wit of the best manufacturers, and produce clothing that is better in many respects than any other clothing you will find for boys.

Three styles of Suits at \$7.50 are shown today:

Russian Blouse Suits, for boys of three to seven years.

Sailor Suits, of serge and smart mixed chevrons, for boys of four to twelve years.

Norfolk and Double-breasted Jacket Suits, with knee trousers, of handsome mixed chevrons, for boys of eight to sixteen years.

All at \$7.50 a suit.
Second floor, ninth street.

The New SILK WAISTS

Up on the second floor there is a superb collection of new Fall Waists, for evening, afternoon and traveling wear. They represent the best offerings of the foremost American manufacturers.

Many of these charming evening waists are modeled after beautiful waists from Paris. They are made of Messaline, silk, crepe de Chine and peau de cygne, in the daintiest of light colorings, including white, exquisitely trimmed with medallions and edgings of lace.

Of course there are many other more practical Waists, in street shades, and many that are finished in tailor-made styles, with stitched plaits and pipings.

The collection ranges from the stylish but simple Waists at \$5, to the handsomest evening Waists at \$24.

Second floor, Tenth street.

SEPARATE SKIRTS

When inclement weather comes with Autumn days, the Separate Skirt—particularly the Walking Skirt—becomes an essential part of a woman's wardrobe.

The present collection of these Skirts offers unhampered selection among the best and newest styles of the season. We mention three very temptingly priced groups of Walking Skirts and one of Dress Skirts:

At \$6—Walking Skirts of cheviot, tweed and sharkskin; seven and thirteen-gored, plaited styles, with inverted plaited back.

At \$7—Walking Skirts of broadcloth, in blue, brown and tan; thirteen-gored, plaited, with inverted plait in back.

At \$7.50—Walking Skirts of canvas-weave cheviot; thirteen-gored, trimmed with straps to form yoke; gores stitched to knee, forming plaits.

At \$11—Dress Skirts of canvas; stitched plaits to knee, with full flare. Also Dress Skirts of cheviot, sharkskin, broadcloth, taffeta, crepe de Chine, silk-lined and unlined, at \$8 to \$30.

Second floor, Broadway.

UMBRELLAS

Here are special lots of Umbrellas for men and women, to replace those that were blown away or torn up in the storm of Wednesday night. All are good serviceable sorts, offered at a good saving over their real values:

26 and 28-inch union taffeta Umbrellas, with natural wood or fancy handles, at \$1.25.

Women's all-silk Umbrellas, 26-inch, with natural wood, gun-metal, horn, or sterling silver handles, at \$2.25.

26 and 28-inch all-silk Umbrellas, with natural wood handles, at \$2.90. Broadway.

JOHN WANAMAKER

Formerly A. T. Stewart & Co. Broadway, 4th ave., 9th and 10th sts.

TO SING SING FOR FORGERY.

Bookkeeper Short's Wife Screams When She Hears His Sentence.

William H. Short, a bookkeeper, was sentenced to nine years in Sing Sing yesterday by Judge McMahon in General Sessions. Short pleaded guilty to two indictments, charging forgery and grand larceny in the second degree.

On July 1, while employed by Herman C. Lobell, contractor, as superintendent of a building at 30 West Twenty-seventh street, Short forged Lobell's name to a check for \$45 on the Produce Exchange

Macy's

Continuation of the Furniture, Rug, Carpet, Upholstery, China, Glassware and Housefurnishing Sales.

For Men--Autumn Models in Ready-to-Wear Suits and Overcoats

If you judged all Ready-to-wear Clothing by the "black sheep" in the Ready-to-wear Clothing family there would be scant reward for the artists who design and the needle-pliers who build the better sorts of garments. Closer acquaintance with any of these involves no chance-taking for they belong to the better-sort class and we know their history from cutting room to sales counter:—

Fall Suits This showing embraces both single and double-breasted model Sack Suits made up in chevrons, cassimeres, tweeds and worsteds. It is the most noteworthy collection in size and variety of patterns that we have ever shown.

Fall Overcoats. Box Model Coats, 32-inch length, made of tan and olive coverts, serge lined \$9.96 to \$14.69

Box Model Coats, 33-inch, made of tan and olive coverts, lined throughout with silk \$11.74 to \$19.96

Box Model Coats, 33-inch, made of the finest imported "buckskin" covert, lined with silk; sold elsewhere at \$35.00, our price \$24.96

Knee-length Coats, in black and Oxford gray, lined with serge \$9.96

Knee-length Coats, in black and Oxford gray Vicunas and Undressed Worsteds, silk lined throughout \$14.96

Finer grades up to \$24.96

Surtout Coats in a variety of fabrics, including Cravenetted materials \$22.49 to \$34.96

Autumn Neckwear For Men. The spirit that prompts us to send resident representatives to the Capitals of Europe to watch for the new fashions in Women's Wear prompts uncommon measures for securing new fashions for the men—ideas from abroad, as well as the best from American designers. We are now showing Autumn fancies in Neckwear, duplicating the fabrics and patterns shown by exclusive haberdashers, but differing from them in price. It wouldn't be Macy's if there wasn't a difference of from 20 to 40 per cent. in your favor here.

At 44c.—The New Scarfs—large English and folded Squares and new shapes in Four-in-hands; usually retailed at 75c.

At 68c.—Folded Squares, 2 1/2 inches wide; English Squares and the new Four-in-hands.

At 94c.—Imported English Neckwear—superb patterns in rich silks, in all the approved forms.

Macy's Guaranteed Fast Black Neckwear—all shapes, 44c., 68c., 94c. and \$1.44.

With every tie goes a guarantee that the dye is permanent and will not soil collar or shirt under any test of service.

New Shirts For Men The range includes about everything from the lowest-priced good ready-to-wear shirt to the finest made-to-order garment our Custom Shirt-makers can produce. In every instance we engage to give you more quality than the same price will command at any other store. Fall lines are all ready:—

Stiff-Bosom Shirts made of fine percale and imported madras; cuffs attached or separate, each 94c. and \$1.44

Macy's White Shirts, bodies made of extra quality muslin, bosoms made of 2100-count linen; in open front, open back and front and coat shirt style, with extra wide bosoms 94c

Macy Collars—all new shapes—four-ply, linen both sides; equal to 25c. Collars sold elsewhere; our price 12c

Macy Cuffs, four-ply, linen both sides; equal to standard 25c. Cuffs sold elsewhere; our price 19c

Somewhere in the unwritten game laws there is a paragraph setting September the fifteenth as the "open season" for Straw Hats; on and after that date the gunning is supposed to begin. Far be it from us to suggest the enforcing of such a measure; but when you are ready to discard the faithful Straw we are ready to deck you out in a new Autumn Derby or a Soft Hat and charge you for the Hat only—nothing for the name plate on the band.

Starting at \$3.49 for the usual \$5 quality Derbies and Soft Hats.

Our Special Guaranteed Derbies and Soft Hats, usual \$3.50 grades \$2.49

Tissue Weight Derbies \$2.49

Our "Leader" Derbies and Soft Hats, sold under another name at \$2.50; fully guaranteed \$1.88

Autumn Hats For Men.

James McCreery & Co.

Merchandise

of every description, that may be termed Dry Goods,—such as—Millinery, Dresses, Coats; Furs, Silk and Woollen Fabrics, Underclothes, Corsets, etc., Men's Haberdashery.

All interior, decorative hangings and upholstery. Art embroideries.

The novelties produced by the several departments will be exhibited to demonstrate the latest materials for the approaching Autumn Season during the week beginning

On Monday, September the 19th, 1904.

Twenty-third Street.

We've taught the Scotch weavers a new stunt this fall—"unfinished wide wale worsteds" in gun metal grays and browns. Plain shades so's to show off the fabric at its best. The goods have a heavy rib running slant wise.

If you dress with the "knowing few" you'll choose this new weave. Suit \$25. Silk Lined Topcoats—\$25.

A postal will bring you samples, fashion cards and measuring outfit.

ARNHEIM

Broadway and 9th St.

Call for Chicago Terminal Transfer Proxies.

A committee consisting of W. H. Heaton, H. C. Pounroy, Charles W. Mowry, A. Bert E. Goodhart and A. O. Slaughter, has issued a circular to stockholders of the Chicago Terminal Transfer Company asking for proxies for the annual meeting on Oct. 12. The circular says that the stockholders are not properly represented in the management and that they should be fully advised as to the company's leases.